

Application No. 10/803,025

**IN THE DRAWINGS:**

Enclosed are new formal drawings of Figs. 1, 2 and 4, accompanied by a LETTER TO THE OFFICIAL DRAFTSPERSON. In Figs. 1 and 2, the legend "Prior Art" was added. In Fig. 4, the reference numeral "27" was added.

## **REMARKS**

### **Claim Rejections**

Claims 1-14 and 21 are rejected under 35 U.S.C. § 112, first paragraph. Claims 1-6 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kohama et al. (4,660,401). Claims 1-2 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kugler (2,526,955). Claims 1 and 21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Waltonen (Re. 33,798). Claims 2-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Waltonen in view of Sartorio (5,894,754). Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Waltonen in view of Johnson (4,449,434).

### **Amendments to Specification**

Applicant has amended the Specification as noted above to cure obvious grammatical and idiomatic inaccuracies and to provide antecedent basis for reference numeral "27" (piston). It is believed that the foregoing amendments to the Specification overcome the outstanding objections thereto. No "new matter" has been added to the original disclosure by the foregoing amendments to the Specification.

### **Drawings**

Applicant has amended Figs. 1, 2, and 4, as illustrated on the attached formal drawings, accompanied by a LETTER TO THE OFFICIAL DRAFTSPERSON. Figs. 1 and 2 have been amended to add the legend "Prior Art". Fig. 4 has been amended to add reference numeral "27". No "new matter" has been added to the original disclosure by the amendments to these figures. It is believed the foregoing proposed amendments obviate the outstanding objections to the drawings. Entry of the corrected drawing is respectfully requested.

### **Claim Amendments**

By this Amendment, Applicant has canceled claims 2-3 and 15-20 and amended claims 1, 4, 6-8, 10, and 21 of this application. It is believed that the

amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

After the above drawing amendment of Fig. 4, it can be clearly understood that the upper plate 21 is directly actuated by the movable piston 27 in the cylinder 4, and the lower plate 22 moves with the cylinder 4 body relative to the base 20 when the cylinder 4 body is actuated by a power source. Further, the last sentence on page 3 reads: "The upper plate 21 is connected to a piston 27 in the cylinder 4 and the lower plate 22 is connected to the cylinder 4." It is submitted that the claimed subject matter is described in Applicant's specification in sufficient detail to enable one having ordinary skill in the art to make and use Applicant's invention without undue experimentation. It is believed that Applicant's specification discloses how to make and use the claimed invention.

The Primary reference to Kohama et al. fails to disclose a first cutter ***first*** contacting the lens in the first direction, a second cutter ***then*** cooperating with the first cutter to cut the lens completely in the first direction, and a holding member ***fixedly positioning*** the plastic lens in a second direction perpendicular to the first direction. As described in column 15, lines 51~68 and illustrated in Figs. 1 and 2, the feeding device 131 of Kohama et al. is adapted to feed the hoop 129 in the horizontal direction perpendicular to the cutting direction, not acting as a holding member as claimed. Further, the cutting operation of the Kohama device is initiated by means of both the cutting tools 107 and 126 *at the same time* when the hoop 129 is firmly held between both the die halves 108 and 123. Accordingly, independent Claim 21, which has features similar to those in the independent Claim 1, is also patentable over Kohama et al. for the reasons discussed above in connection with independent Claim 1.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Kohama et al. do not disclose each and every feature of Applicant's amended claims and, therefore, could not possibly anticipate these claims under 35 U.S.C.

§ 102. Absent a specific showing of these features, Kohama et al. cannot be said to anticipate any of Applicant's amended claims under 35 U.S.C. § 102.

The primary reference to Kugler discloses a cutting tool for blind rivet. As described in column 4, lines 9~16 and column 5, lines 32~62 and as illustrated in Fig. 2, the cutting tool of Kugler is adapted to sever a protruding stem 8 of a *previously installed blind rivet 9 used to rivet together plates 10, 11*. The rivet stem 8 is severed by cutting blades 6, 7 on a pair of cutting jaws 4, 5 rotatably mounted on a carrier 3. During operation, the cutting blades 6, 7 rotate about the rivet stem 8 with the rotation of the carrier 3 to gradually and *simultaneously* bite into the rivet stem 8 and finally sever it off. Accordingly, with regard to independent Claim 1, Kugler fails to disclose first and second cutters being movable along a first direction away from or toward each other, the first cutter **first** contacting the lens in the first direction, the second cutter **then** cooperating with the first cutter to cut the lens completely in the first direction, and **a holding member fixedly positioning** the plastic lens in a second direction perpendicular to the first direction. The plates 10, 11 of Kugler themselves are riveted together by the previously installed blind rivet 9, not acting as a holding member as claimed.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Kugler does not disclose each and every feature of Applicant's amended claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Kugler cannot be said to anticipate any of Applicant's amended claims under 35 U.S.C. § 102.

The primary reference to Waltonen (Re. 33,798) discloses a piercing machine, not a cutting device, to pierce or form a hole in a workpiece by the cooperation of a punch 26 and a punch die button 22 (see Fig. 2). The punch die button 22 is adapted to engage and provide back up support forces on the workpiece in a course of a punching or piercing operation (column 3, lines 23~25), not acting as a cutter as claimed. In addition, Waltonen fails to disclose a holding member as claimed. Further, Waltonen is silent on whether the punch 26 contacts the workpiece before the punch die button 22. Accordingly, Waltonen fails to

disclose **a first cutter first** contacting the lens in the first direction, **a second cutter then** cooperating with the first cutter to **cut the lens completely** in the first direction, and **a holding member** fixedly positioning the plastic lens in a second direction perpendicular to the first direction. Therefore, independent Claims 1 and 21 as amended are each patentable over Waltonen.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Waltonen does not disclose each and every feature of Applicant's amended claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Waltonen cannot be said to anticipate any of Applicant's amended claims under 35 U.S.C. § 102.

Neither Kohama et al., Kugler, Waltonen, Sartorio, nor Johnson disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.


### Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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